

FILED  
NOV - 5 2019  
By PATRICK KEANEY  
Clerk, U.S. District Court  
Deputy Clerk

## UNITED STATES DISTRICT COURT

For the Eastern District of Oklahoma

Honorable Ronald A White, Chief Judge – Patrick Keaney, Clerk of Court

Case No. **CIV 19 - 373 - RAW** Re-submission after dismissal without  
prejudice Order (CIV-19-244-TDD) - 42 U.S.C. §1983 [Equal Protection] 5.1.A.

**Section 1983 - "Due Process" is a law that can be enforced regarding  
"deprivation of rights" "as a protected class"; in conjunction with "Civil  
Rights Restoration Act of 2006" - "under the cover of judgment" or under color of  
law; 28 U.S.C. § 363 and illegal obstruction of Justice as a representative for The State  
of Oklahoma, Jurisdiction and venue, also in; **LOFTIS v. CHRISMAN**; 18 U.S. Code  
§ 2721. Prohibition on release and use of certain personal information from State motor  
vehicle records. Zach 4:6.**

### COMPLAINT

#### Parties:

**Mary Kathryn Johnson (MKJ), Plaintiff, Pro Se  
Is a "protected class" U.S. Citizen, residing at:**

4803 S Gum Avenue  
Broken Arrow, Oklahoma 74011  
918/940-7699 or 254/231/9193  
Msmj\_1@hotmail.com

**All of the Individual Defendants and the Corporate Defendants, individually, collectively,  
or in any combination, listed within this complaint, Co-joined in the violation of a  
"protected class" U.S. Citizen's rights under the 14th Amendment,"due process" did  
willfully participate in other acts and violations that will be mentioned within this  
complaint.**

**Defendant 1 - Wagoner County, Etal/co/Kim Hall 1st Assistant District Attorney  
307 E. Cherokee Street/P.O. Box 249 - Wagoner, Oklahoma 74477-918/485-4508**

**Defendant 2 - Michael or Timothy Keller, Defendant(s), Michael Keller(Founder) &  
Timothy Keller, President Kellpro, Inc, 1992 to present. - [www.1.odcr.com/On](http://www.1.odcr.com/On)  
Demand Court Records - 101 S 15th Street Duncan, Okla 73533 - 580/255-5553**

**Defendant 3 - Patricia Oertle-Phaneuf, President/D.B.A. The Key Group  
9717 E 42nd Street/Ste 200-Tulsa, Ok 74146 - 918/747-0000**

**Defendant 4 - Martin A Vaughn, Incorporator/Estate or Agent D.B.A. National  
Background Reporting and/or Fiscal Administrator of National Background  
Reporting 6732 E 41st Street-Tulsa, Okla 74145-918/794-4777-State  
Business#3512233126**

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1. The Plaintiff brings this complaint for actual damages, statutory damages, compensatory damages, special damages, and all Court costs of this action against the Defendant's. This is a Civil Complaint for injunctive relief by way of a restored right to plea without "prejudice" from a former complaint against an illegal "due process" action and violations of the 14th Amendment rights of a "protected class" U.S. Citizen.
2. The actions against the Plaintiff by this Defendant-1 were done by way of an illegal court procedure, done without proper jurisdiction and without proper "due process" of court procedures; as in *Parratt v. Taylor*, 451 U.S. 527 (1981); this court process is also relevant to *Loftis vs. Chrisman*, 2016. The Plaintiff is submitting this complaint for appeal and injunctive relief from the pending actions to arrest this Plaintiff, as early as 11/05/2019. (see Exhibit 1 & 2-2A) (Exhibit 7-Previous Pauperis Order)
3. This is a 42 U.S. Code § 1983 federal civil rights case under the 14th Amendment of the United States Constitution as applied to the States under the United States Constitution's for the Defendants' individual and collective personal, malicious, and unlawful violations under color of state law against this Plaintiffs' individual and collective constitutional rights to protection against false arrest, and civil conspiracy with intent to discriminate and harm.
4. All the Defendants listed within this complaint, committed unlawful violations of Plaintiff's constitutional and state rights under color of state law in co-joined actions, in bad faith and with malicious purpose, in disregard to this Plaintiff's human safety, and civil rights under "equal protection". At the forefront of this matter is the 15th District Court of Wagoner County's "Final" Court Order action. This action of the 15th District Court of Wagoner County, is still causing harm, being used by Defendant's 2, 3 and 4 and appears on its face to be in a state of limbo, with adverse actions that include the "active" bench warrants issued to falsely arrest Plaintiff/MKJ. (Exhibits 2&2A).

The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: "the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities."7 The Court's test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).2 28 U.S.C. § 1331 (2006) "Civil Rights Restoration Act 2006" 14th Amendment Equal Protection

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5. The Plaintiff would ask this Honorable Court to consider the Grable Test as a basis for subject matter jurisdiction regarding no disturbance of the balance of responsibilities between the federal and state courts. The connection being in 2001, and in 2019 The State of Oklahoma participated in federal funding projects and by this action waived their rights to immunity and two(2) relevant laws in this factor are: State of Oklahoma Legislature, Section II-1, and “Civil Rights Restoration Act of 2006” and,

6. the State has a responsibility regarding this balance as per Oklahoma State Legislature Section II-1;” All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it: Provided, such change be not repugnant to the Constitution of the United States.” Oklahoma has a responsibility to honor the 14th Amendment under “Civil Rights Restoration Act of 2006” .....

*“(2) ABROGATION FOR CONSTITUTIONAL VIOLATION.—In addition to the abrogation of sovereign immunity already accomplished by this Act, a State's sovereign immunity, under the 11th amendment to the Constitution or otherwise, is abrogated for **any** suit brought by any employee or person for **equitable, legal, or other relief** authorized by or through this Act, for conduct that violates the 14th amendment (including the constitutional rights incorporated in the 14th amendment) and that also violates this Act... “ (life,liberty and the pursuit of happiness).*

7. These constitutional law violations are “capable of repetition, yet evading review.” *Roe v. Wade*, 410 U.S. 113, 125 (1973) (citing *Southern Pacific Terminal Co. v. ICC*, Case 6:15-cv-00785-GAP-TBS Document 1 Filed 05/14/15 Page 2 of 14 PageID 2; 219 U. S. 498, 515 (1911); *United States v. W. T. Grant Co.*, 345 U. S. 629, 632-633 (1953)). “Civil Rights Restoration Act 2006”. There is no doubt that at some point my/Plaintiff's arrest will come to pass, and without a proper court intervention it could be deadly.

The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: “the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.”<sup>7</sup> The Court's test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).<sup>2</sup> 28 U.S.C. § 1331 (2006) “Civil Rights Restoration Act 2006” 14th Amendment Equal Protection

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8. Defendant 1; Statement of Fact: In 2001 the Plaintiff sent a letter, with a receipt of payment for a ticket for “improper turn” showing that MKJ/Plaintiff paid this ticket, and plead no contest. This letter was advising Wagoner County, et al that there was no need to order her to a court hearing by way of a subpoena sent to a former address.
9. MKJ's letter was sent to Chief District Court Judge, D.A., Court Clerk and Sheriff of Wagoner County, Oklahoma. Statement of Fact: Wagoner County 15th District Court of Oklahoma held a court procedure any way and without the use of the letter sent by the Plaintiff/MKJ explaining the “Improper turn” payment (See Exhibit 1). Included in the letter was notice of where the payment was made and before the scheduled court date. The Plaintiff also expressed her concern and asks that no further harassment of her/MKJ by Wagoner County be made, along with a statement that she/MKJ would sue for false charges and arrest of a “moot” issue.

The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: “the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.”<sup>7</sup> The Court’s test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).<sup>2</sup> 28 U.S.C. § 1331 (2006) “Civil Rights Restoration Act 2006” 14th Amendment Equal Protection



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10. In 2001, on or about July, and after the roommate's report of the Sheriff's intent to serve a subpoena, Wagoner County 15th District Court went on with their charges and complaint in an actual Court hearing in (2001), without "due process" and "probable cause" against this Plaintiff. This hearing did not include the Plaintiff, and with a final result that issued two (2) active bench warrants for the Plaintiff's arrest without the Plaintiff's knowledge. This court hearing used illegal, manipulated evidence as probable cause (DUS/Exhibit 2A), from a ticket issued in 1994 that never happened. The Plaintiff, according to a clerk/receipt from the Department of Public Safety reported that the Plaintiff had current driver's license and they weren't suspended (See Exhibit 1).

11. The 15th District Court of Wagoner County sent out two (2) bench warrants for MKJ's arrest without the proper jurisdiction, violating "double jeopardy" and Fair Credit Reporting debt relief, citing two (2) debts after eight (8) years from the date when the original ticket was issued (1994) and DUS should never have been in the probable cause. It would have been dismissed or never written (?). The proposed debt was sought in 2001 in violation of, U.S. Code § 1681c. Requirements relating to information contained in consumer reports; Oklahoma Section II-1 and 14th Amendment rights to "equal

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protection” and “due process” (immunity waived during this year). Oklahoma Section II-7.

12. This Plaintiff contends that as a fact, “DUS” is illegal and was either dismissed or manipulated by way of “fruit of the poisonous tree”(see Exhibit 1). Wagoner County 15th District Court admitted this as evidence in the court action in an illegal, obstruction of justice, under the color of state law (Supreme Court of Ohio vs. Tracie Hunter) to establish probable cause for this illegal “due process”, violating the 14th Amendment and RICO Act. The Plaintiff’s letter showing payment was never used and held back from this Court process in “obstruction of justice” (Oklahoma Section II-7)(14th Amendment “due process”).

13. Statement of Fact: This Plaintiff can qualify all statements by a jury trial with Discovery evidence, proving these claims and violations are true and actual events caused by Wagoner County 15th District Court, and all the Defendant's listed within this complaint are co-joined in these illegal acts, and Exhibit 1 verifies there is something missing in the Court’s actions against this Plaintiff.

The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: “the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.”<sup>7</sup> The Court’s test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).<sup>2</sup> 28 U.S.C. § 1331 (2006) “Civil Rights Restoration Act 2006” 14th Amendment Equal Protection

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But for Wagoner County's actions on behalf of The State of Oklahoma with a "Final Order", this issue would never be a continuing harm to this Plaintiff in a violation of "equal protection".

14. It is a historical fact that the State of Oklahoma has many arrest actions with deadly force. In the United States it is a historical fact that deadly force is used primarily on people of color and women of color.

It is a fact in the State of Oklahoma that an arrest can be done by "deadly force" (see Betty Shelby, expunged) and at present even if I surrendered to the arrest, I could be shot by way of a supposed error.(State of Oklahoma vs. Robert Bates). I need relief from these illegal actions done by Wagoner County, et al, without "due process".

15. Statement of Fact: The Plaintiff got a ticket in Logan County and you can see the steps of the process (Exhibit 3). What happened to Wagoner County's? On its face it appears something has been hidden in the process, nothing shows but the violations (See Exhibit 2&2A), and the Plaintiff would ask this Honorable Court to order injunctive relief and cause this Defendant -1 to present this "Final Order" as evidence going toward

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probable cause and due process. Statement of Fact: This final order was never sent to the Plaintiff, even after an inquiry in 2017 with a point of contact given; (email address/see Exhibit 4).

16. To the date of this complaint the Plaintiff has never received case text regarding the 15th District Court's "Final Order", showing what transpired and why. This Plaintiff has never seen the evidence that showed probable cause, the actual complaint, and steps that were done to justify that this Plaintiff should be arrested. These notices would give "a reasonable person" some idea of what happened but in comparison to mine/Plaintiff (MKJ), the discrimination and lack of "due process" is evident to the example of the Exhibit #3. Where is the substance, the "statement of facts" and court process noted within a due process action, and why didn't the Court Clerk send that action with the ticket information when the Plaintiff inquired (See Exhibit 4)? This agent for the State of Oklahoma, never sent a copy of the "Final Order" on the warrants issued for her/MLK's arrest, and these warrants were never served.

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17. In the case of Loftis vs. Christman the Court held: *"it is a case in which a petitioner made reasonable, diligent efforts to comply with procedural rules which provided no clear guidance for the unusual circumstances in which, through no fault of his own, he was situated, and where the state district court itself caused him to believe that his efforts had been sufficient to ensure state review of his habeas claims. These circumstances fall squarely within Burger's explanation of the types of extraordinary circumstances that warrant equitable tolling".*

18. Statement of Fact: This Plaintiff, swears, attests and affirms that every administrative action known to her/MKJ was tried. This Plaintiff made an attempt to contact Department of Public Safety and spoke with an Officer Samuels. This officer reported that according to the Plaintiff's driving record there were no adverse charges from 3 years prior to then, on or around December 2018 (See Exhibit 1). This Officer (Samuels) agreed to assist this Plaintiff by calling Wagoner County (testimony upon Discovery) and came back reporting to the Plaintiff that Wagoner County, et al didn't receive his(Officer Samuels) information.

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19. The Wagoner County Court Clerk in his email communication only asked for information (Plaintiff's DOB and Race) but did not offer details by way of the Court's final order through the email communications, and in the last email where He/Court Clerk felt that the Plaintiff was the party in question(see Exhibit 4). No details were sent regarding this claim.

20. This Plaintiff contends that tolling limitations regarding this matter are relevant to Loftis vs Chrisman, on its face, because these warrants are still "active" bench warrants for the Plaintiff's arrest, as early as 11/05/2019, this issue appears to be in proper statute for 2019 (?); Kellpro, Inc. by way of OCSN.net (Exhibit 2 & 2A-11/05/2019).

21. Statement of Fact: There is a "final order"with "active" bench warrants recorded for the Plaintiff's arrest, causing continual impending harm. This is a federal question of continued violations of "due process", harm to a U.S. Citizen of a "protected class". As In *Cort v. Ash*,<sup>14</sup> the Supreme Court talked about a four-part test to determine whether Congress intended to imply a right to sue directly under a federal statute.

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22. The Court held *"In general, a plaintiff asserting the right is required to show that (1) membership in the class for whose benefit the statute was enacted, (2) evidence of Congress' intent to confer a private remedy, (3) that a right to sue would be consistent with the statutory purpose, and (4) that the cause of action is not one traditionally relegated to the states to a degree that implying a right to sue would be inappropriate. In short, under this doctrine, a plaintiff must show that Congress intended to grant both a private right and a private remedy.15."*

23. The Plaintiff is concerned that the Grable Test is also relevant to the previous cited Court opinion. This matter has to be decided by a federal court because Wagoner County, et al has refused relief from relevant testimony.(See Exhibit 1).

24. Statement of Fact: I Mary K. Johnson do not owe the State of Oklahoma for unpaid tickets; I/MKJ can prove this fact through evidence, by way of Discovery (Exhibit 1), showing proof that non-payment is false, and that the payment was received by the Oklahoma Department of Public Safety in 1994 with a no contest plea. Discovery evidence: The State of Oklahoma driving record for this Plaintiff from 1994 to the present, as well as testimony from Major T. Blish, Oklahoma Highway Patrol regarding the validation of "DUS" as relevant or irrelevant, and Officer Samuels,

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Department of Public Safety (DPS) regarding the Wagoner County employee he talked to, and why his information was refused.

25. This Plaintiff would further ask this Honorable Court to consider; In my defense of these actions and a need to file a complaint in Federal court for relief, I/MKJ would also ask this Honorable Court to consider:

26. Beck vs. Muskogee Police Department and to include, Koch vs. City of Del City, and 28 U.S.C. § 129; *“decision: provides in relevant part that the United States Courts of Appeal “shall have jurisdiction of appeals from all final decisions of the district courts of the United States.”*

27. The Plaintiff’s research found again in Beck vs. Muskogee Police, in regard to: *“A plaintiff may not bring a civil rights suit if a favorable result in the suit would necessarily demonstrate the invalidity of an outstanding criminal judgment against the plaintiff. Id. at 487. Thus, a 1983 claim necessarily challenging the validity of a conviction does not arise until the conviction itself has been invalidated”.*

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28. Based upon 15th District Court of Wagoner County's "Final Order" to arrest me/MKJ, and Wagoner County, et al's refusal of an official state employee's information, this matter isn't over and I'm still wanted for false arrest, a clear violation of my U.S. Citizen 14th Amendment rights to "equal protection". The Exhibit (1) could lead a "reasonable person" to consider something is wrong with this picture based on a State of Oklahoma record.

29. I would ask this Honorable Court to assist me by stopping this action temporarily until a proper court decision can be applied. Please consider that this matter isn't over, and based on the behavior of these Defendant's, intervention is needed.( Beck, 195 F.3d at 557. *"Because the cause of action does not accrue until such time, the applicable statute of limitations does not begin to run until the same time."* Id. (citing Heck, 512 U.S. at 489-90).

30. In Guthrie vs Hall, the Court also held; *"An issue is 'genuine' if there is sufficient evidence on each side so that a rational trier of fact could resolve the issue either way" and "[a]n issue of fact is 'material' .* (Exhibit 1) is a fact.

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A jury trial and discovery evidence will break one of the assumptions that this Plaintiff is unable to present a “triable fact” during a jury trial. The Plaintiff would ask this Honorable to consider a subpoena for these facts by way of a submitted, certified copy from Wagoner County, et al and The State of Oklahoma.

31. I believe the Civil Rights “strict scrutiny” test can also be met during a jury trial on behalf of the Plaintiff’s complaint, and Federal judicial jurisdiction regarding intervention.

32. As the Plaintiff I address the “strict scrutiny” test as follows:

Test 1: My protected liberty is at stake; two “active bench warrants” are still pending (see Exhibit 2 & 2A/DUS); A Plaintiff who is a United States Citizen, in a protected class (See current Texas DL/Exhibit 6). These actions are calling for the false arrest of this Plaintiff, in violation of “equal protection” rights.; Test 2 & Test 3: My fundamental liberty is at stake, As of 11/05/2019, I am wanted for an arrest under “double jeopardy”, and without “due process” ; Officer Samuels information from Okla Department of Public Safety by a phone call to a Wagoner County employee,

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was refused, and the presented potential evidence regarding the Plaintiff's innocence (See Exhibit 1) wasn't accepted. This testimony could have caused "a reasonable person" to consider the court action taken, and a possible reason to investigate or invalidate the Order. No action was considered or used to change the present charges.

33. These actions say something is wrong. There is a serious need for Federal court intervention for the safety and protection of this Plaintiff, I am praying this Honorable Court will consider my complaint. Additional Legal Remedies Regarding Wagoner County, et al: 5.1.A. Section 1983 - "Due Process" is a law that can be enforced regarding "deprivation of rights" "as a protected class"; in conjunction with "Civil Rights Restoration Act of 2006".

34. The Plaintiff contends that the 15th District Court of Wagoner County, et al, OCSN.net and Kellpro, Inc, are accountable to follow the standards listed below because they are State of Oklahoma officials, employees, or contractors; owing a duty to The State of Oklahoma and the U.S.

Constitution to honor the 14th Amendment, "not cause a repugnant action"

The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: "the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities."<sup>7</sup> The Court's test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005). 2 28 U.S.C. § 1331 (2006) "Civil Rights Restoration Act 2006" 14th Amendment Equal Protection

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.... State of Oklahoma Legislature, Section 11-1."Civil Rights Restoration Act of 2006"; *The Supreme Court of Ohio vs. Tracie Hunter.*; Defendant - 1, abused discretion; operated illegally "under color of law" and exceeded jurisdiction, violated "double jeopardy" and false reporting, and if DUS is poisoned evidence, "obstruction of justice" under RICO.

I'm not calling them gangsters but their actions against me appears similar to gang related activity and behavior. Exhibit 1 and a State employee's testimony might cause a "reasonable" trier to have a cause to doubt the 15th District Court's actions and consider over turning this order during a trial.

35. The Plaintiff maintains that all Defendants listed within this complaint, bear complete responsibility, as co-joiners in the same actions, using the illegal published Court Record of 15th District Court of Wagoner County, for The State of Oklahoma "under color of law"; (Case No.: 15-CV-00304-TCK-TLW, (1.STANLEY GLANZ, SHERIFF OF TULSA COUNTY, and Defendants, 2, 3, 4, 5, 6, 7, 8 & 9).; Fair Credit Reporting Act and FTC consumer protection.

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36. **Defendant 2 - Kellpro, Inc.** is a registered contractor and business owner in the State of Oklahoma. This agency co-joined the 15th District of Wagoner County, Oklahoma in all actions cited within this complaint from 1-36 by presenting a false continual, defaming report as a contractor for the State of Oklahoma in violation of “Civil Rights Restoration Act of 2006”, and in violation of the 14th Amendment “equal protection” rules; false, illegal publication in violation of Fair Credit Reporting Act and Federal Trade Commission non discrimination to consumers, under the color of state law regs.

37. **Defendant 3 - Key Group, Inc.** is a registered business owner in The State of Oklahoma and has a responsibility to Oklahoma Legislature, Section II-1; “Civil Rights Restoration Act of 2006”, “wrongful termination”; Federal Trade Commission, non-discrimination, privacy to consumers, no identity theft or fraud and breach of contract; Fair Credit Reporting Act U.S. Code § 1681c. Requirements relating to information contained in consumer reports/seven (7) year rule, discrimination, “stand alone” background document (Hillson vs. Kelly Services, Inc.); FTC vs. Equifax & Experian.

38. Other causes of action by the Key Group: - This agency presented MKJ with a packet of papers, one included a request for a background check. This document was not a “stand alone” document as required by the FCRA but contained “at will” and “contract competition” waivers information, as in (Hillson vs. Kelly Services, Inc.) and was a “consumer report” to determine employability for this agency. (Ernst v. Dish Network, 12 Civ. 8794 (LGS) (S.D.N.Y. Sept. 22, 2014), Dish Network (“Dish”) required a third-party contractor to conduct background checks on technicians before they could

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provide installation services to Dish customers.); Did the application have a box that asked if the Plaintiff had a criminal record? This can be verified by Discovery during a trial.

39. Key Group - had the Plaintiff take a skill test (98% accuracy and 7000 keystroke characters). The application process was misleading, without explaining that they/Key Group wanted the Plaintiff to agree to the background report; but it did not explain that they would use an old (over 7 years) illegal criminal history(FCRA violation), and they did not explain this would be used as a criteria for employment. The Key Group's application process also included a wrongful termination action letter that did not explain that the information used to terminate would be incorrect, illegal and old. Plaintiff was terminated before the 60 days to correct any errors offer in another violation of Federal Credit Reporting Act, (See Exhibit 5/Adverse Action Letter).

40. The Key Group's Adverse Action (page 1) letter was illegal and not FCRA compliant., and failed to present a correct Summary of Your Rights; these rights did not include fraud, libel and misrepresentation, as prerequisites for employability.

41. The Key Group- Defendant-3 co-joined with an illegal due process of 15th District Court of Wagoner County by reporting a false out of date criminal action for the Plaintiff's arrest . This action denied the Plaintiff's 14th Amendment right to "equal protection", by allowing a 3rd party vendor to use the illegal background authorization, that was obtained under fraud and misrepresentation, according to FCRA background check standards.

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42. **Statement of Fact:** The Key Group gave the Plaintiff's social security number and date of birth to a 3rd party vendor "under the color of state law" without a proper waiver to do so. This agency stole the Plaintiff's identity and did not process the waiver signed by the Plaintiff under Federal Trade Commission regulations of protection for a consumer and violated Fair Credit Reporting Act for old, outdated false information without the use of a "stand alone" document to request the Plaintiff's background.

- CRAs (credit reporting agencies) may not report arrests or other adverse information (other than convictions of crimes) which are more than seven years old, provided that the report does not concern employment of an individual who has an annual salary that is \$75,000 or more. 15 U.S.C. §§ 1681c(a)(5), 1681c(b)(3).
- CRAs must use "reasonable procedures" to ensure "maximum possible accuracy" of the information in the report. 15 U.S.C. §1681e(b).
- Defamation acted with reckless disregard of the truth or falsity of the statement in making the statement, or The statement was published, The statement caused you injury;and , The statement was false;

43. **Federal Trade Commission elements of cause of action:** (1) Inaccurate information in report; (2) inaccuracy due to CRA's failure to follow reasonable procedures to assure maximum possible accuracy; (3) consumer suffered injury (can include emotional injury); and (4) injury was caused by inaccurate entry. Crane v. Trans Union, 282 F. Supp. 2d 311 (E.D. Pa. 2003)(Dalzell) (citing Philin v. Trans Union Corp., 101 F. 3d 957, 963 (3d Cir. 1996)).

44. **Statement of Fact:** The Key Group, Inc. eliminated the Plaintiff's employability in the State of Oklahoma and may be even in the United States, depending on how many agencies use the reporting information and how many agencies sell or trade information. Their actions have the effect a credit report does. It remains for seven (7) years even if corrected.

The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: "the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities."7 The Court's test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).2 28 U.S.C. § 1331 (2006) "Civil Rights Restoration Act 2006" 14th Amendment Equal Protection

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As employers view this information, and a civil action request, it makes the Plaintiff's status as a potential employee cited as a "liability". Ernst v. Dish Network, 12 Civ. 8794 (LGS) (S.D.N.Y. Sept. 22, 2014),

45. Defendant 4 - National Background Reporting - is a registered business owner in The State of Oklahoma and has a responsibility to Oklahoma Legislature, Section II-1; "Civil Rights Restoration Act of 2006", "wrongful termination"; Federal Trade Commission, non-discrimination, privacy to consumers and no identity theft or fraud; Fair Credit Reporting Act U.S. Code § 1681c. Requirements relating to information contained in consumer reports/seven (7) year rule, discrimination,"stand alone" background document (Hillson vs. Kelly Services, Inc.); FTC vs. Equifax & Experian. Cause of Action.

46. Statement of Fact: This Defendant 4 is a cojoiner in causes of actions 37-45 and all illegal violations contained within this complaint that would deny the civil rights of a U.S. Citizen under the 14th Amendment.

47. The Court held in:Ernst v. Dish Network, 12 Civ. 8794 (LGS) (S.D.N.Y. Sept. 22, 2014), Dish Network ("Dish") required a third-party contractor to conduct background checks on technicians before they could provide installation services to Dish customers. The court further noted that the FCRA defines a **consumer report as information** "which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for ... employment purposes.....information for employment purposes, including to evaluate an individual for reassignment, the statutory definition of

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“consumer report” is arguably satisfied”. Exhibit 5; National Background Reporting, page 6 of 9 published a misleading and fraudulent Summary of Your Rights under the Fair Credit Reporting Act. They are responsible for accuracy of information both in FTC Consumer Protection and FCRA reporting, as well as Oklahoma Legislature Section II-1 and Civil Rights Restoration Act 2006. They cannot discriminate and publish false information. This notice shows their intent to defraud and deny “equal protection”

**48. AFFIDAVIT**

I (Mary Kathryn Johnson) am a 69 nine year old “protected class” female and resident of the State of Oklahoma. I have lived in Oklahoma all my life until 2005 to 2015, and currently I am a resident in Oklahoma since 2015 to present. I swear attest and or affirm that I do not owe the State of Oklahoma for two tickets “Improper Turn” or “DUS”. I believe that the ticket “DUS” was either dismissed or a fraud because the Plaintiff had a regular driver’s license in 1994. I Mary K Johnson contacted Wagoner County Court Clerk and reported my contact information in an inquiry about this action and to date of this complaint, I have not received a copy of this “Final Order” relevant to “Beck vs. Muskogee Police Department” an employee of this agency sent me the two (2) tickets but no “Order”.

The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: “the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.”<sup>7</sup> The Court’s test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).<sup>2</sup> 28 U.S.C. § 1331 (2006) “Civil Rights Restoration Act 2006” 14th Amendment Equal Protection

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**49. RELIEF IS SOUGHT BY WAY OF :**

A. Injunction to stop the false arrest of this Plaintiff until facts are proven in a jury trial, with discovery evidence aforementioned and other facts to be requested during a trial and at present (Exhibit 1), may also be a reason to doubt the court actions of Wagoner County 15th District Court.

B. **Justice**, by non- monetary gain from The State of Oklahoma OSCN.net for their part in the assistance in this false record reporting on the Oklahoma Court Records website; let them assist Ms. Johnson in restoring her life from libel, defamation and violation of her 14th Amendment rights “equal protection” “due process”. Let the State of Oklahoma consider a twenty (20) minute meeting for Ms. Johnson with Mr. Mike Hunter or his representative, to discuss how to get Wagoner County cited with criminal charges and the potential criminal activity of the other defendants involved in this matter.

C. Let the State of Oklahoma allow the Department of Public Safety Legal Department to present the following records and employees to testify regarding their involvement in this complaint: Major T. Blish, Officer Samuels court appearance and or certified testimony. Driving Record of Mary K Johnson, Plaintiff/Appellee from 1994 to present and her status for Oklahoma driver’s license. Provide a copy of the record check report sent to Texas Department Safety in 2005 for the change from Oklahoma to Texas driver’s license; provide a copy of the actual ticket and officer who reported a DUS cited in Logan County regarding the Plaintiff; information

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needed to see if it was used for “DUS” against the Plaintiff, and the probable cause that the Plaintiff suspects is from (Fruit of the Poisonous Tree), also used by 15th District Court of Wagoner County.

D. Let there be medical attention physically and mentally that will be ongoing for the remainder of Mary K Johnson’s life in mental health counseling to restore peace of mind destroyed by over fifteen (15) years of fear Medical help that would change the current state of stress and fear that has, and does affect her body. Let there be medical attention to correct the deterioration of Type II diabetes caused by stress from loss of job, libel reports, lack of money for medication, and threat of arrest.

E. Let there be a jury trial with voir dire questions to pick a jury of Ms. Johnson’s peers. Let there be discovery evidence and testimony regarding Wagoner County Court actions and record check for a letter received in 2001 from MKJ, showing that they had knowledge the ticket was paid.

F. Let the Key Group present the entire application file with copies of all forms signed by Mary K Johnson and all notes regarding the interview. G. Payment for medical supplies and support tools to assist in her/ Mary K Johnson, Plaintiff/Apealee’s recovery and continued life needs.

The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: “the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.”<sup>7</sup> The Court’s test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).<sup>2</sup> 28 U.S.C. § 1331 (2006) “Civil Rights Restoration Act 2006” 14th Amendment Equal Protection



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H. Let all the Defendant's present a copy of their liability insurance information. Let there be payment of actual damages, statutory damages, compensatory damages, special damages, and all Court costs of this action against the Defendant's, as well as, taxes paid if a settlement is reached. Let these Defendant's be libel in amounts as follows to restore the life, liberty and the pursuit of happiness as follows:

Defendant 1- Wagoner County, et al \$10,000,000.00;

Defendant 2-Kellpro, Inc. \$10,000,000.000.00;

Defendant 3-The Key Group, Inc. \$5,000,000.00 and

Defendant 4- National Background Reporting \$5,000,000.00.

I. Let the street in front of the Wagoner County Courthouse be changed from Cherokee to Mary K Johnson and remain, with the sign restored until 2030, as part of regular Wagoner County maintenance.

J. If possible, let this Honorable Court assign a public defender to assist the Plaintiff by consultation, regarding trial procedures and jury selection. Let Mary K Johnson submit this complaint *formas pauperis* if she, Plaintiff qualifies under the law.

K. The Plaintiff objects to all unmerited claims that would cause vexation and delay. Let them be stopped without action taken and let the perpetrator be recognized for the delay of "due process". The Plaintiff would ask this Honorable Court to consider:

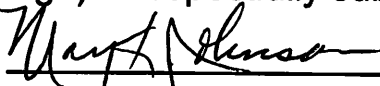
The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: "the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities."<sup>7</sup> The Court's test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).<sup>2</sup> 28 U.S.C. § 1331 (2006) "Civil Rights Restoration Act 2006" 14th Amendment Equal Protection

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In Tolan v. Cotton, 188 L.Ed.2d 895 (2014), the Supreme Court articulated the summary judgment standard: *[C]ourts may not resolve genuine disputes of fact in favor of the party seeking summary judgment . . . a “judge’s function” at summary judgment is not “to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” Anderson, 477 U. S., at 249. Summary judgment is appropriate only if “the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. Rule Civ. Proc. 56(a). In making that determination, a court must view the evidence “in the light most favorable to the opposing party.” Adickes v. S. H. Kress & Co., 398 U. S. 144, 157 (1970).*

L. Let the Plaintiff be given a license to carry permit to protect her”from backlash of relatives, friends and public intruders who read the illegal report and may react inappropriately. Let there be a Federal Trade Commission and Justice Report sent from certified court records of the jury trial as a follow-up to the harm done this Plaintiff listing all the Defendant’s within this complaint and the Final Order to all.

50. The money requested would pay debts, restore previous assets(car) (house) and pay for relocation to a friendlier state, as well as, starting a small business where Ms Johnson can work without harm or appearance of an old adverse records check popping up. Media updates that restores Mary K Johnson from potential criminal to normal law abiding citizen (street sign). Respectfully submitted,



Mary K. Johnson, Plaintiff, Pro Se

The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: “the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.”<sup>7</sup> The Court’s test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).<sup>2</sup> 28 U.S.C. § 1331 (2006) “Civil Rights Restoration Act 2006” 14th Amendment Equal Protection

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**51. CERTIFICATE OF SERVICE**

**In Person**

I HEREBY CERTIFY that I filed today, on 11/05//2019, the foregoing with the Federal Clerk of the Court for the Eastern District of Oklahoma, which will send notification of such filing to all persons registered for this case, including the Defendants' counsel. Kim Hall, 1st Assistant District Attorney of Wagoner County, Oklahoma

Mary K. Johnson

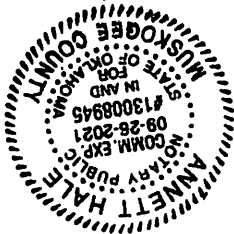
Plaintiff, Mary K. Johnson, Pro Se, Formas Pauperis(Exhibit 6)

4803 S. Gum Avenue - Broken Arrow, Okal. 74011- 918/940-7699 or  
254/231-9193

Notary:

Annett Hall 11-5-19

SEAL



The Grable Court promulgated a tripartite jurisdictional test for when a federal court must entertain a state-law claim containing a federal question: "the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities."7 The Court's test confirms the longstanding doctrine that a state-law claim 1 545 U.S. 308 (2005).2 28 U.S.C. § 1331 (2006) "Civil Rights Restoration Act 2006" 14th Amendment Equal Protection